

HARRIS COUNTY, TEXAS  
CHRISTIAN D. MENEFE (pro hac  
forthcoming)  
JONATHAN G.C. FOMBONNE (pro hac  
forthcoming)  
TIFFANY BINGHAM (pro hac forthcoming)  
SARAH UTLEY (pro hac forthcoming)  
BETHANY DWYER (pro hac forthcoming)  
R. CHAN TYSOR (pro hac forthcoming)  
ALEXANDRA KEISER (pro hac forthcoming)  
1019 Congress Street  
15<sup>th</sup> Floor  
Houston, Texas 77002  
Telephone: (713) 274-5102  
Email: jonathan.fombonne@harriscountytexas.gov  
tiffany.bingham@harriscountytexas.gov  
sarah.utley@harriscountytexas.gov  
bethany.dwyer@harriscountytexas.gov  
chan.tysor@harriscountytexas.gov  
alex.keiser@harriscountytexas.gov

*Attorneys for Plaintiff  
Harris County, Texas*

DEMOCRACY FORWARD FOUNDATION  
ELENA GOLDSTEIN (pro hac forthcoming)  
SKYE PERRYMAN (pro hac forthcoming)  
P.O. Box 34553  
Washington, D.C. 20043  
Telephone: (202) 448-9090  
Fax: (202) 796-4426  
Email: egoldstein@democracyforward.org  
sperryman@democracyforward.org

PUBLIC RIGHTS PROJECT  
JILL HABIG, State Bar # 268770  
490 43rd Street, Unit #115  
Oakland, CA 94609  
Telephone: (510) 738-6788  
Email: [jill@publicrightsproject.org](mailto:jill@publicrightsproject.org)

*Attorneys for Plaintiff  
Harris County, Texas*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

AMERICAN FEDERATION OF  
GOVERNMENT EMPLOYEES, AFL-CIO, *et*  
*al.*,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity as  
President of the United States, *et al.*,

Defendants.

Case No. 3:25-cv-03698

**DECLARATION OF SAMUEL PEÑA IN  
SUPPORT OF PLAINTIFFS' MOTION  
FOR PRELIMINARY RELIEF**

**DECLARATION OF SAMUEL PEÑA**

I, SAMUEL PEÑA, declare:

1. I am the Chief of Disaster Response, Safety, and Building Operations Services with the Harris County Office of the County Engineer (OCE). Our mission includes coordinating local, state, and federal financial resources to ensure an effective response to natural and public health disasters and ensuring Harris County workforce safety.<sup>1</sup> I oversee a team encompassing three separate divisions – Claims, Safety and Health, and Insurance and Casualty.
2. I have held this position since 2024. I formerly served as Fire Chief for the City of Houston for eight years and the Fire Chief for the City of El Paso for four years.
3. I am familiar with the facts and circumstances of this matter, in which President Trump issued Executive Order 14210 to “commence a critical transformation of the Federal bureaucracy” (“the Order”). Specifically, the Order directed all federal agencies to “eliminat[e] waste, bloat, and insularity” by engaging in “large-scale reductions-in-force (RIFs)” and preparing “reorganization plans”.<sup>4</sup> This overhaul included actual, impending, and potential RIFs to agencies, which would impact Harris County’s fiscal health and the safety of County residents.
4. I make this declaration in support of the above-captioned case. Except as otherwise stated, I have personal knowledge of the matters set forth herein and can and will testify thereto if called upon to do so.

**Harris County**

5. At a population of over 5 million residents and continuing to demonstrate year-over-year population growth,<sup>2</sup> Harris County is the most populous county in Texas and along the Gulf of Mexico coast, as well as the third most populous county in the nation.
6. Harris County is prone to flooding and other natural disasters due to its proximity to the Gulf of Mexico, flat and low-level elevation, and explosive urban development. Harris County experiences a

<sup>1</sup> *About, Harris Cnty. Off. Mgmt, and Budget*, <https://budget.harriscountytexas.gov/about.aspx> (last accessed Apr. 25, 2025)

<sup>2</sup> *Quick Facts: Harris County, Texas*, U.S. Census Bureau, <https://www.census.gov/quickfacts/fact/table/harriscountytexas/LND110220> (last visited Apr. 23, 2025).

1 major flood event approximately every two years, resulting in hundreds of millions of dollars in  
 2 damages since the inception of the Harris County Flood Control District in 1937? More funds have  
 3 been paid to Harris County than to any other community under the National Flood Insurance  
 4 Program.<sup>34</sup>

5 **Harms Related to Reorganization of U.S. Department of Commerce**

6 7. The National Weather Service (“NWS”), a division of the Department of Commerce, has a  
 7 mission to “[p]rovide weather, water, and climate data, forecasts, warnings, and impact-based  
 8 decision support services for the protection of life and property, and the enhancement of the national  
 9 economy.”<sup>5</sup> The OCE Disaster Recovery division relies on the National Weather Service’s experts in  
 10 making critical decisions around weather events, such as when to order evacuations and/or shelter in  
 11 place. The NWS’s expertise and readiness are especially necessary during hurricane season, when  
 12 Harris County needs to be prepared to respond to winds often exceeding 80 miles per hour, storm  
 13 surges, flash flooding, and the safety of nearly 5 million residents.

14 8. OCE has relied on long established personal relationships with experienced and trusted  
 15 meteorologists at the Houston-Galveston NSW field office in League City, Texas. OCE coordinates  
 16 with the Houston-Galveston NWS field office and its seasoned meteorologists to understand the  
 17 potential impacts of oncoming storms and to make critical decisions effecting public safety. For  
 18 example, OCE communicated and coordinated with the staff at the Houston-Galveston office about  
 19 the impacts of potential storm surge and if or when evacuations were necessary for life-safety.  
 20 These advance consultations have been instrumental in preparing local first responders and critical  
 21 infrastructure partners for evacuations, such as lifting tolls, opening contraflow on highway lanes,  
 22 and dispatching officers to assist with traffic control before the NWS releases safety alerts via mass  
 23 communication channels.

24 9. A RIF that reduces the personnel at the Houston-Galveston NWS field office., or worse-

26 <sup>3</sup> *Harris County’s Flooding History*, Harris Cnty. Flood Control Dist.,  
 27 <https://www.hcfcd.org/About/Harris-Countys-Flooding-Historv>. (last accessed Apr. 24, 2025).

28 <sup>4</sup> *Id.*

<sup>5</sup> *About*, Nat’l Weather Serv., <https://www.weather.gov/about/> (last accessed Apr. 25, 2024)



eliminating that field office would have a profound negative impact on OCE and potentially catastrophic life-safety ramifications. Relying on only regional staff or a smaller work force at the field office restricts the NWS's capabilities, which could lead to delays of modeling and alerts and/or to fewer or less accurate modeling and alerts. This would have a direct impact on OCE's ability to react and respond to emergencies and cause harm to residents who cannot adequately prepare for extreme weather-events.

#### **Harms Related to Reorganization of U.S. Department of Homeland Security**

10. The Trump Administration has contemplated significant cuts to the Federal Emergency Management Agency (FEMA), which Department of Homeland Security Secretary, Kristi Noem, has suggested should be completely eliminated.<sup>6</sup>

11. In the past 10 years, FEMA has declared 14 disasters in Harris County, including four declarations in 2020.<sup>7</sup> These disaster declarations included floods (4), hurricanes (4), biological events (2), severe storms (2), and severe ice storms (2). Major disaster declarations provide federal assistance programming to the impacted area through individual assistance, public assistance, and hazard mitigation assistance. These supplemental grants and/or loan programs support individuals, households, government entities, and certain non-profits in recovery from disaster damages.

12. Before, during, and after a natural disaster, FEMA takes steps to assist communities in need. This includes public assistance to local, state, and territorial governments who expend resources in protection, management, or recovery from a disaster.

13. FEMA is critical to reviewing, and when necessary, verifying, damage assessments to obtain a federal disaster declaration – a key step in the FEMA financial assistance process. FEMA trainings prepare local government to properly document damage assessments, understand eligible costs, and prepare claim documentation for reimbursement. In the event of a hurricane, covered costs

<sup>6</sup> Sean Michael Newhouse, *FEMA set for elimination, Noem says, amid bipartisan House reform proposal*. Gov't Exec. (Mar. 24, 2025) <https://www.govexec.com/management/2025/03/fema-set-elimination-noem-says-amid-bipartisan-house-reform-proposal/404008/>.

<sup>7</sup> *Disaster Declarations for States and Counties*, Fed. Emergency Mgmt. Agency, <https://www.fema.gov/data-visualization/disaster-declarations-states-and-counties> (last accessed April 24, 2025).

1 may include security measures, debris removal and repair of Harris County critical infrastructure,  
2 such as road and bridges. During Hurricane Harvey, FEMA personnel assisted OCE in the months;  
3 long property; damage assessment for the thousands of homes and businesses impacted by the  
4 disaster. Moreover, while OCE performs the debris removal from the unincorporated area of Harris  
5 County, such as after Hurricane Beryl, OCE relies on FEMA to provide debris removal  
6 reimbursements. The process entails significant amounts of paperwork and takes years to obtain  
7 reimbursements, even under previous staffing conditions.

8 14. Harris County has yet to receive the relevant public assistance reimbursements from FEMA  
9 for events that occurred years ago. In fact, reimbursements and approvals remain ongoing for  
10 weather related incidents including Hurricane Ike (2008) and Hurricane Harvey (2017). Due to the  
11 presumed volume of outstanding reimbursement requests, and the proven lengthy duration in  
12 processing these requests, it is not unreasonable to expect that staff reductions at FEMA would  
13 further extend the delay in reimbursement for these funds.

14 15. FEMA also sends its employees to disaster areas to deliver much-needed aid and to assist  
15 local governments and individuals with navigating the process to receive additional federal  
16 funding. In particular, FEMA provides public assistance to affected communities in the form of  
17 resources, manpower, and recovery funds. Resources provided by FEMA include food, water, ice,  
18 medical equipment, and other essentials the affected community needs on a case-by-case basis to  
19 prevent serious harm and loss of life. FEMA also provides extra manpower to assist with the  
20 recovery effort, including personnel sufficient to distribute resources and to provide direct assistance  
21 to community members that need help applying for federal benefits. For example, after Hurricane  
22 Harvey, FEMA came to Harris County to distribute the aforementioned necessary supplies and  
23 helped to prepare shelters for the unhoused population. Additionally, FEMA makes financial  
24 assistance available directly to affected residents to begin the rebuilding process. The Disaster  
25 Relief Fund, maintained by DHS and replenished by Congress, allocates these funds to affected  
26 residents.

27 16. A RIF at FEMA would directly impact Harris County residents in the event of a major  
28 disaster. While less staff does not necessarily mean less resources or funds would be available to

1 Harris County residents, it does mean less manpower from FEMA to distribute resources and to  
2 assist residents in procuring the funds from Congress. Moreover, less personnel would increase wait  
3 times for residents who submit requests for federal funds. Less staff would be available to perform  
4 the necessary paperwork to ensure funds are accurately and effectively distributed.

5 17. Having less personnel to assist with the distribution of critical resources and less personnel to  
6 assist residents with applying for and processing the paperwork required for federal funds will have  
7 a direct negative impact on Harris County and its residents.

8 18. The U. S. Fire Administration is an entity of FEMA under the Department of Homeland  
9 Security.

10 19. The U. S. Fire Administration (USFA) provides data collection, public education, research  
11 and training. USFA also serves as the conduit for FEMA grants that provide critically needed  
12 equipment, protective gear, emergency vehicles, training, and funding for required staffing, and  
13 projects that enhance public and firefighter safety. The USFA also provides free training at its  
14 National Fire Academy in Emmitsburg, Maryland, however, due to the RFI at FEMA all in-person  
15 training classes offered by the National Fire Academy as well as FEMA's Center for Domestic  
16 Preparedness and National Disaster and Emergency Management University have been suspended.

17 20. The resources, training and equipment provided through the USFA directly benefit the OCE  
18 and the residents of Harris County by improving the firefighting skills and capabilities of the 33 fire  
19 departments in Harris County that residents rely upon for their safety. A RIF within the USFA  
20 would hinder the training and flow of information and disrupt the award of grant funds to the  
21 detriment of the OCE and place Harris County at great risk of loss of life and property.

22 **Harms Related to the Reorganization of the Department of Health and Human Services**

23 21. The National Institute for Occupational Safety and Health (NIOSH) is the federal agency  
24 responsible for conducting research and making recommendations for the prevention of work-related  
25 injury and illness. The NIOSH Center for Firefighter Safety, Health, and Well-being provides a  
26 central point for engaging with the broad spectrum of research and service NIOSH conducts around  
27 firefighters. The NIOSH Center's goal is to better protect firefighters and to identify and prevent  
28 new and emerging fire hazards earlier and faster.



22. OCE relies on NIOSH for investigative work, for example, in understanding the cause of industrial fires where there is no clear causation. The result of these investigations can inform industry of new best practices and prevent similar life-safety threats from reoccurring. A loss of available manpower and institutional knowledge in evaluating and combatting such threats due to a RIF at the NOISH would have a profound negative impact on OCE and potentially catastrophic life-safety ramifications for Harris County residents.

23. The direct and substantial interests discussed above demonstrate the harm to Harris County which has occurred due to the actualized RIFs and will likely occur due to potential RIFs.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on April 2<sup>nd</sup>, 2025 at Houston, Texas.



SAMUEL PEÑA